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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,547

Applicant(s)

GUPTA ET AL.

Examiner

PELING A. SHAW

Art Unit

2444

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 6-11, 13, 14 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4, 6-11, 13-14 and 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/08/2009 has been entered. Claims 1-2, 4 and 10 are amended. Claims 5, 12, 15-16 are cancelled. Claims 1-2, 4, 6-11, 13-14 and 17-26 are currently pending.
2. Amendment received on 09/30/2008 was entered into record. Claims 1 and 5-7 were amended. Claim 3 was canceled.
3. Preliminary amendment received on 11/02/2007 was entered into record. Claims 1-3, 10 and 12 were amended. Claims 13-26 were new.

Priority

4. The current application is a continuation of 09/153,664 filed on 09/15/1998. The filing date is 08/25/2003.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff et al. (US 5822537 A), hereinafter referred as Katseff and further in view of Kalra et al. (US 5953506 A), hereinafter referred as Kalra, and Moran et al. (US 6332147 B1), hereinafter referred as Moran.

- a. Katseff shows (claim 1) a method of obtaining and presenting multimedia content (abstract: record and distribute multimedia presentations including video and audio data), the method comprising the following steps: storing multiple media streams at a network server corresponding to the multimedia content, the multiple media streams including streams corresponding to at least first and second media types (abstract: store multimedia presentations with any supplemental materials including video and audio data), the media streams of the first type having different timelines (column 16, lines 33-37: play audio at a reduced speed), and the media streams of the second type having different timelines, being of varying quality, and requiring varying bandwidth (column 15, lines 25-37: reduce the requested video playback rate), wherein media types of the first and second types can be rendered in combination to produce multimedia content (column 15, lines 25-37: reduce the requested video playback

rate); receiving a selection of multimedia content that is available from the network server to be rendered at a network client (column 2, lines 34-44: user selects a desired page); receiving from the network client a selection of a speed designation received at the network client from a human user (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed); composing a composite media stream that represents the multimedia content by selecting one of the media streams of the first type and modifying in a linear manner a timeline of the selected one of the media streams of the first type based on the selected speed designation (column 13, line 61-column 14, line 6: user control playback in frames per second), wherein said selected one of the media streams of the first type consumes part of the available bandwidth (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); and selecting one of the media streams of the second type and modifying in a non-linear manner a timeline of the selected on the media streams of the second type based on the selected speed designation (column 16, lines 32-37: pitch extraction and pause longer), wherein the selected one of the media streams of the second type requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the selected one of the media streams of the first type (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7,

lines 40-59: multimedia information (objects) stored and selected); and streaming the composite media stream from the network server to the network client, the composite media stream representing the selected multimedia content (column 13, lines 61-column 14, line 6: the data being request from the storage and retrieval system); so that the network client can render the composite media stream based on the speed designation and with the media stream of the first type synchronized with the media stream of the second type (column 13, lines 61-column 14, line 6: video and audio outputs to workstation, the video process will adjust the rate of data being requested from the storage and retrieval system; column 15, line 1 to column 16, line 37: video and audio adjustment to give audio preference). Katseff does not explicitly show (claim 1) wherein the speed designation is a speed factor relative to a default playback speed of the selected multimedia content; determining available bandwidth from the network server to the network client. However Katseff also shows (column 2, lines 44-55) audio has preference over video and video frame retrieval rate is based upon traffic conditions; (column 2, lines 55-64) the network multimedia system transmits only audio data when network congestion conditions are extreme; and(column 3, lines 58-67) the network multimedia system accommodates the low bandwidth.

- b. Kalra shows determining bandwidth available (column 16, line 49, column 17, line 3) in an analogous art of providing a scalable media delivery system.
- c. Moran shows using speed factor (1= normal) to control playback (column 8, lines 15-20) in an analogous art of using graphic replay to control playback.

- d. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client and Moran's function of using menu to implement playback control.
- e. The modification would have been obvious because one of ordinary skill in the art would have been motivated to explicitly state determining the bandwidth as per Kalra's teaching and use graphic user interface for media play as per Moran's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49) and Moran (Fig. 15)'s teaching.
- f. Regarding claim 2, Katseff shows wherein modifying the timeline of the selected one of the media streams of the first type and modifying the timeline of the selected one of the media streams of the second type includes modifying the timelines at the network server before streaming the composite media stream (column 11, lines 47-59 and column 13, lines 61-column 14, line 6: as the playback is adjusted the timeline of annotation events are varied; column 15, line 1 to column 16, line 37: reduce the requested video playback rate, pitch extraction and playback with pause longer).
- g. Regarding claim 13, Katseff shows wherein the streaming comprises streaming the composite media stream from the network server at a rate that depends on the speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the

- playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).
- h. Regarding claim 14, Katseff shows wherein the streaming comprises streaming the composite media stream from the network server at a rate that is proportional to the speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).

Together Katseff, Kalra and Moran disclosed all limitations of claims 1-2 and 13-14. Claims 1-2 and 13-14 are rejected under 35 U.S.C. 103(a).

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, Kalra, Moran and further in view of Trueblood (US 5893053 A), hereinafter referred as Trueblood.

- a. Katseff, Kalra and Moran show claim 1 as above. None of Katseff, Kalra and Moran shows (claim 17) further comprising: presenting multiple play buttons in a graphical user interface at the network client, the multiple play buttons being associated with different playback speeds of the multimedia content; enabling the human user to select one of the play buttons; using, as the speed designation, a playback speed associated with the selected play button. However Katseff also shows (column 14, lines 20-29) clicking right or left mouse buttons to play back forward or backward.
- b. Trueblood shows (claim 17) further comprising: presenting multiple play buttons in a graphical user interface at the network client, the multiple play buttons being associated with different playback speeds of the multimedia content; enabling the

- human user to select one of the play buttons; using, as the speed designation, a playback speed associated with the selected play button (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward buttons, $\frac{1}{2}$, $\frac{1}{5}$ and $\frac{1}{10}$ slow motion buttons) in an analogous art of VCR-based graphic user interface for computer graphic data recording and playback.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client, Moran's function of using menu to implement playback control and Trueblood's functions of user selectable fast forward and slow motion buttons.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use graphic user interface for media play as per Trueblood's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49), Moran (Fig. 15) and Trueblood (column 12, lines 18-38)'s teaching.
- e. Regarding claim 18, Trueblood shows further comprising: presenting a play button in a graphical user interface at the network client (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward buttons, $\frac{1}{2}$, $\frac{1}{5}$ and $\frac{1}{10}$ slow motion buttons). Katseff shows further comprising: presenting, in the graphical user interface, a scale mechanism with a range of playback speeds and a movable slider

that is movable over the range of playback speeds; enabling the human user to move the slider to a playback speed within the range; using, as the speed designation, a playback speed referenced by the slider (Fig. 5, column 13, line 61-column 14, line 6: playback speed scroll bar).

- f. Regarding claim 19, Trueblood shows (Fig. 5, column 12, lines 18-38) 2X, 4X and MAX user selectable fast forward buttons, 1/2, 1/5 and 1/10 slow motion buttons. Moran shows (column 8, lines 22-30) player class with play function and speed parameter; and (column 23, lines 6-27) invocation through pull down menus.

Together Katseff, Kalra and Trueblood disclosed all limitations of claims 17-19. Claims 17-19 are rejected under 35 U.S.C. 103(a).

7. Claims 4 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff in view of Moran.

- a. Katseff shows (claim 4) a computer-readable storage medium containing a program for streaming multimedia content from a network server to a network client, the program having instructions that are executable by the network server (claim 7: computer-readable storage medium/program; abstract: record and distribute multimedia presentations including video and audio data) to perform a method for presenting multimedia content, the method comprising: receiving from the network client a speed designation associated with a playback speed of multimedia content at a network client (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed); composing a composite media stream representing the multimedia content, wherein the composite media stream includes a media stream of a first type

- and a media stream of a second type different than the first type and includes a timeline that is modified by: modifying in a linear manner a timeline of the media stream of the first type based on the received speed designation (column 13, line 61-column 14, line 6: user control playback in frames per second); and modifying in a non-linear manner a timeline of the media stream of the second type based on the received speed designation (column 16, lines 32-37: pitch extraction and pause longer), so that the time line of the media stream of the second type is synchronized with the timeline of the media stream of the second type (column 15, line 1 to column 16, line 37: video and audio adjustment to give audio preference); and streaming the composite media stream from the network server to the network client (column 11, lines 47-59 and column 13, lines 61-column 14, line 6: as the playback is adjusted the timeline of annotation events are varied). Katseff does not explicitly show (claim 4) wherein the speed designation identifies a speed factor relative to a default playback speed of the selected multimedia content.
- b. Moran shows using speed factor (1= normal) to control playback (column 8, lines 15-20) in an analogous art of using graphic replay to control playback.
 - c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Moran's function of using menu to implement playback control.

- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to explicitly using a speed factor to control playback as per Moran's teaching as it is used in play back system as per Katseff (column 14, lines 20-29) and Moran (Fig. 15)'s teaching.
- e. Regarding claim 20, Katseff shows wherein the streaming comprises streaming the timeline-modified composite media stream from the network server to the network client at a rate that depends on the received speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).
- f. Regarding claim 21, Katseff shows wherein the streaming comprises streaming the timeline-modified composite media stream from the network server to the network client at a rate that is proportional to the received speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).

Together Katseff and Moran disclosed all limitations of claims 4 and 20-21. Claims 4 and 20-21 are rejected under 35 U.S.C. 103(a).

- 8. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, Moran and further in view of Kalra.

- a. Katseff and Moran show claim 4 as above. Katseff shows further comprising storing multiple media streams at the network server corresponding to the multimedia

content, the multiple media streams including streams corresponding to at least first and second media types, wherein media types of the first and second types can be rendered in combination to produce the multimedia content (abstract: store multimedia presentations with any supplemental materials including video and audio data); the media streams of the first type having different timelines (column 16, lines 33-37: play audio at a reduced speed); the media streams of the second type being of varying quality and requiring varying bandwidth (column 15, lines 25-37: reduce the requested video playback rate); wherein the composing step comprises: selecting one of the media streams of the first type that accords with the speed designation, wherein said selected one of the media streams of the first type consumes part of the available bandwidth (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); selecting one of the media streams of the second type that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the selected one of the media streams of the first type (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected). Katseff does not explicitly show determining available bandwidth from server to client. However Katseff also shows (column 2, lines 44-55) audio has preference over

video and video frame retrieval rate is based upon traffic conditions; (column 2, lines 55-64) the network multimedia system transmits only audio data when network congestion conditions are extreme; and (column 3, lines 58-67) the network multimedia system accommodates the low bandwidth.

- b. Kalra shows determining bandwidth available (column 16, line 49, column 17, line 3) in an analogous art of providing a scalable media delivery system.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client and Moran's function of using menu to implement playback control.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to explicitly state determining the bandwidth as per Kalra's teaching and use graphic user interface for media play as per Moran's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49) and Moran (Fig. 15)'s teaching.
- e. Regarding claim 7, Kalra shows determining available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available). Katseff shows storing a plurality of audio streams representing the multimedia content, the audio streams having different timelines (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 16, lines 33-

37: play audio at a reduced speed); storing a plurality of video streams representing the multimedia content, the video streams being of varying quality and requiring varying bandwidth (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 15, lines 25-37: reduce the requested video playback rate); wherein one of the audio streams and one of the video streams can be rendered in combination to produce the multimedia content (abstract: record and distribute multimedia presentations including video and audio data); wherein the composing step comprises: selecting one of the audio streams having a timeline that accords with the speed designation, wherein said selected audio stream consumes part of the available bandwidth (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); selecting one of the video streams that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the selected audio stream (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected).

- f. Regarding claim 8, Kalra shows determining available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available). Katseff shows storing an audio stream representing the multimedia content (abstract: store

multimedia presentations with any supplemental materials including video and audio data; column 16, lines 33-37: play audio at a reduced speed); storing a plurality of video streams representing the multimedia content, the video streams being of varying quality and requiring varying bandwidth (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 15, lines 25-37: reduce the requested video playback rate); wherein the audio streams and one of the video streams can be rendered in combination to produce the multimedia content (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); wherein the composing step comprises selecting one of the video streams that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the audio stream when streamed at a rate that is proportional to the speed designation (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected).

- g. Regarding claim 9, Kalra shows determining available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available). Katseff shows storing an audio stream representing the multimedia content (abstract: store multimedia presentations with any supplemental materials including video and audio

data; column 16, lines 33-37: play audio at a reduced speed); storing a plurality of video streams representing the multimedia content, the video streams having different timelines and requiring varying bandwidth (abstract: store multimedia presentations with any supplemental materials including video and audio data; column 15, lines 25-37: reduce the requested video playback rate); wherein the audio streams and one of the video streams can be rendered in combination to produce the multimedia content (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); wherein the composing step comprises selecting one of the video streams that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the audio stream when streamed at a rate that is proportional to the speed designation (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected).

Together Katseff, Moran and Kalra disclosed all limitations of claims 6-9. Claims 6-9 are rejected under 35 U.S.C. 103(a).

9. Claims 10-11, 22-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff in view of Kalra.

- a. Katseff ~~shows~~ (claim 10) a method of obtaining and presenting multimedia content, the method comprising: selecting multimedia content that is available from a network server, the multimedia content having first and second types of media content column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected; receiving a selection of a speed designation for playback of the multimedia content at a network client (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed); streaming a first individual media stream from the network server to the network client using a timeline modified in a linear manner based, at least in part, on the selected speed designation (column 13, line 61-column 14, line 6: user control playback in frames per second), the first individual media stream representing the first type of media content and consuming part of the available bandwidth (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component; column 7, lines 40-59: multimedia information (objects) stored and selected); selecting a second individual media stream that represents the second type of media content, the second individual media stream being selected to have a quality that requires no more bandwidth than the difference between the available bandwidth and the bandwidth consumed by the first individual

media stream (column 2, lines 34-44: select the desired page or portion of supplemental material, e.g. video; column 2, lines 44-64: video and audio data, audio has preference over video component, congestion extreme conditions, transmit only audio data; column 7, lines 40-59: multimedia information (objects) stored and selected); streaming the second individual media stream from the network server to the network client (column 13, lines 61-column 14, line 6: the data being request from the storage and retrieval system) (per Fig. 3 seems to mean a combined stream; composite stream seems to be of no relevant to accepting step) using a timeline modified in a non-linear manner based, at least in part, on the selected speed designation (column 16, lines 32-37: pitch extraction and pause longer) and synchronized to the timeline used by the first individual media stream (column 15, line 1 to column 16, line 37: video and audio adjustment to give audio preference); and rendering the first and second individual media streams at the network client (column 13, lines 61-column 14, line 6: video and audio outputs to workstation). Katseff does not explicitly show (claim 10) determining available bandwidth from the network server to the network client. However Katseff also shows (column 2, lines 44-55) audio has preference over video and video frame retrieval rate is based upon traffic conditions; (column 2, lines 55-64) the network multimedia system transmits only audio data when network congestion conditions are extreme; and (column 3, lines 58-67) the network multimedia system accommodates the low bandwidth.

- b. Kalra shows determining available bandwidth from server to client (column 16, line 49, column 17, line 3: determine bandwidth available).

- c. Kalra shows determining bandwidth available (column 16, line 49, column 17, line 3) in an analogous art of providing a scalable media delivery system.
- d. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client.
- e. The modification would have been obvious because one of ordinary skill in the art would have been motivated to explicitly state determining the bandwidth as per Kalra's teaching as it is used in managing congestion control as per Katseff (abstract) and Kalra (column 15, line 66-column 16, line 17)'s teaching.
- f. Regarding claim 11, Katseff shows wherein the first individual media stream is an audio stream and the second individual media stream is a video stream (column 13, lines 61-column 14, line 6: video and audio outputs to workstation).
- g. Regarding claim 22, Katseff shows wherein streaming the second individual media stream from the network server to the network client comprises streaming the second individual media stream from the network server to the network client at a rate that is proportional to the speed designation (column 13, lines 61-column 14, line 6: allows the user to adjust the playback speed; column 13, lines 61-column 14, line 6: the video process will adjust the rate of data being requested from the storage and retrieval system).

- h. Regarding claim 23, Katseff shows wherein the accepting comprises accepting the speed designation input by a user of the network client by way of a graphical user interface at the network client (Fig. 5, , column 13, line 61-column 14, line 6: playback speed scroll bar).
- i. Regarding claim 25, Katseff shows wherein the graphical user interface has a scale mechanism with a movable slider that is movable over a range of speed designations to enable the user to position the slider and select a speed designation (Fig. 5, column 13, line 61-column 14, line 6: playback speed scroll bar).

Together Katseff and Kalra disclosed all limitations of claims 10-11, 22-23 and 25. Claims 10-11, 22-23 and 25 are rejected under 35 U.S.C. 103(a).

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, Kalra and further in view of Trueblood.

- a. Katseff and Kalra show claims 10 and 23 as above. Neither Katseff nor Kalra shows (claim 24) wherein the graphical user interface has multiple play buttons associated with different speed designations. However Katseff also shows (column 14, lines 20-29) clicking right or left mouse buttons to play back forward or backward.
- b. Trueblood shows (claim 24) wherein the graphical user interface has multiple play buttons associated with different speed designations (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward buttons, 1/2, 1/5 and 1/10 slow motion buttons) in an analogous art of VCR-based graphic user interface for computer graphic data recording and playback.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client and Trueblood's functions of user selectable fast forward and slow motion buttons.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use graphic user interface for media play as per Trueblood's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49) and Trueblood (column 12, lines 18-38)'s teaching.

Together Katseff, Kalra and Trueblood disclosed all limitations of claim 24. Claim 24 is rejected under 35 U.S.C. 103(a).

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff, Kalra, Trueblood and further in view of Moran.

- a. Katseff and Kalra show claims 10 and 23 as above. Neither Katseff nor Kalra show (claim 26) wherein the graphical user interface has a play button and a menu associated with the play button, the menu listing multiple speed designations from which the user can select. However Katseff also shows (column 14, lines 20-29) clicking right or left mouse buttons to play back forward or backward.
- b. Trueblood shows (claim 26) wherein the graphical user interface has a play button (Fig. 5, column 12, lines 18-38: 2X, 4X and MAX user selectable fast forward

- buttons, 1/2, 1/5 and 1/10 slow motion buttons) in an analogous art of VCR-based graphic user interface for computer graphic data recording and playback.
- c. Moran shows (column 8, lines 22-30) player class with play function and speed parameter; and (column 23, lines 6-27) invocation through pull down menus in an analogous art of using graphic replay to control playback.
- d. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Katseff's functions of detecting congestion by monitoring buffers' threshold and compensating by reducing video transmittal rate then reducing audio playback rate with Kalra's explicit functions of determining available bandwidth from server to client, Trueblood's functions of user selectable fast forward and slow motion buttons and Moran's function of using menu to implement playback control.
- e. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use graphic user interface for media play as per Trueblood and Moran's teaching in play back system as per Katseff (column 14, lines 20-29), Kalra (column 1, line 66-column 2, line 49), Trueblood (column 12, lines 18-38) and Moran (Fig. 15)'s teaching.

Together Katseff, Kalra, Trueblood and Moran disclosed all limitations of claim 26. Claims 26 is rejected under 35 U.S.C. 103(a).

Response to Arguments

12. Applicant's arguments filed on 06/08/2009 have been fully considered, but they are not persuasive.
- a. Applicant has amended claims 1-2, 4 and 10 substantially, particularly the limitations of "modifying in a linear manner a timeline of the selected one of the media streams of the first type based on the selected" and "modifying in a non-linear manner a timeline of the selected on the media streams of the second type based on the selected speed designation". Examiner has reviewed the limitations in light of applicant's specification. Examiner has searched and found Bhadkamkar et al. (US 5893062 A) on linear and non-linear filtering on audio fade as per varying display rate. Examiner has further reviewed the claim rejections and applied prior art, particularly Katseff. Katseff's user control of playback speed in frames per second should read upon the limitation on "modifying in linear manner" as one skill in the art that video is known to play in frame and varying in frame rate is of linear scale. Examiner has also found Katseff's disclosure of pitching extraction and insertion longer pause is of non-linear as in light of applicant's specification.
 - b. Applicant has further argued that Katseff does not disclose a network server performing timeline modification (see last paragraph on page 11 to 1st paragraph on page 12 of current amendment). As Katseff has disclosed (column 4, lines 1-10) the information retrieval system is interacted with the file servers to retrieve continuous media object; (column 15, lines 25-37) requesting the file server to transmit few video

frames per second to the workstation. It is clear that the file server per Katseff must respond to user's request in playing back media as instructed.

Remarks

13. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Bhadkamkar et al. (US 5893062 A) Variable rate video playback with synchronized audio

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2444